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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,801	03/16/2004	Arkady Oksengorn	70015990-0007-0001	1902

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EXAMINER

GILMAN, ALEXANDER

ART UNIT PAPER NUMBER

2833

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/801,801	Applicant(s) OKSENGORN, ARKADY	
	Examiner Alexander D. Gilman	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, recites "a circumferential opening formed by the gripping surface of the knob".

The "gripping surface of the knob" were not claimed in claim 1, which claim 11 depends from.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 8, 11, 12, 22, 28, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bodenstein.

With regard to claim 1, Bodenstein (US 3,519,979) discloses a CATV locking terminator mechanism, comprising

a housing (14, 16) having a chamber extending through the housing;

a connector body(12) having first and second ends, a front face, and a securement mechanism (12a,) at the first end for securing the connector body to an output port, the connector body being configured to be positioned within the chamber such that the connector body freely

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rotates within the chamber; and

a protrusion (12e) formed at the front face for selective engagement with a cooperating tool, the protrusion extending from the front face whereby torque is applied directly to protrusion (12e, a portion having 34b) to rotate the connector body with respect to the output port.

With regard to claim 7, Bodenstein disclose O-ring (13) positioned in the recess.

With regard to claim 8, Bodenstein discloses a resistor (20) positioned within the connector body.

With regard to claim 11, Bodenstein discloses circumferential opening formed between the protrusion (12e) and the housing (14) and sized to restrict a person's hand or convention tools from maintaining a grip on the protrusion.

With regard to claim 12, Bodenstein discloses the tool comprising:

a handle (42),

a shaft (44) having first and second ends; and a cavity formed at the first end for selective engagement of the tool with a protrusion of the front face of the CATV locking mechanism. the protrusion extending from the front face .

With regard to claims 22, 28, 29 Bodenstein discloses the structure of the CATV locking terminator mechanism which operates according to steps claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2-6, 9, 10, 23-27, 30-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodenstein in view of Doan et al.

With regard to claims 2-6, Bodenstein discloses all of the limitations except for the specified configuration of the protrusion.

Doan et al (US 5,163,345) disclose a tool (100 with a receptacle head (33) which is shaped to accommodate any type of the fastening member (col. 3, lines 1-2)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the projection of one of specified profiles , as taught by Doan et al, to securely rotate the connector body simplify and prevent unauthorized using the CATV cable.

Also, Applicants have presented no argument which convinces that the particular configuration of the projection is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for purpose of mounting the fixed assembly to an telescopic boom of a vehicle. In re Dailey, 149 USPQ 47 (CCPA 1976).

With regard to claims 9, 10, Bodenstein when modified by Doan discloses all of the limitations except for the specified sizes of the protrusion.

The above mentioned limitations are not patentably significant since they relate to the size of the article under consideration which is not ordinarily a matter of invention. In re Yount, 36 C.C.P.A. (Patents) 775, 171 F.2d 317, 80 USPQ 141.

With regard to claims 23-27, 30-36, Bodenstein when modified by Doan disclose the CATV locking terminator mechanism which operates according to steps claimed.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al.

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With regard to claim 20, Doan et al discloses all of the limitations except for the specified sizes of the cavity.

The above mentioned limitations are not patentably significant since they relate to the size of the article under consideration which is not ordinarily a matter of invention. In re Yount, 36 C.C.P.A. (Patents) 775, 171 F.2d 317, 80 USPQ 141.

Claims 12 , 14-18, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Doan et al.

With regard to claims 12,19, 21, Doan et al (US 5,163,345) disclose a tool (10) comprising a handle (25) a shaft having first and second ends; a cavity (33 formed at the first end for selective engagement with a cooperating connector to selectively rotate the connector; knob with gripped surface affixed to the shaft.

Doan et al do not disclose that the tool would be specifically used with CATV locking mechanism.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

With regard to claims 14-18, Doan et al disclose the tool which is shaped to accommodate any type of the fastening member (col. 3, lines 1-2).

Response to Arguments

Applicant's arguments with respect to claims 1,12,22 have been considered but are moot in view of the new ground(s) of rejection.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D. Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/06/2006


ALEXANDER GILMAN
PRIMARY EXAMINER